

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

ROBERT SAVAGE, et al.,	)	
	)	
Plaintiffs,	)	
	)	No. 4:08-CV-1162 CAS
v.	)	
	)	
3M COMPANY, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on defendant Mine Safety Appliances Company's ("MSA")  
Emergency Motion to Quash Deposition of Dr. Joseph M. Ojile.

Eastern District Local Rule 3.04(A) provides with respect to motions concerning discovery  
and disclosure:

The Court will not consider any motion relating to discovery and disclosure unless it contains a statement that movant's counsel has **conferred in person or by telephone** with the opposing counsel in good faith or has made reasonable efforts to do so, but that after sincere efforts to resolve their dispute, counsel are unable to reach an accord. This statement also shall recite the date, time and manner of such conference, and the names of the individuals participating therein, or shall state with specificity the efforts made to confer with opposing counsel.

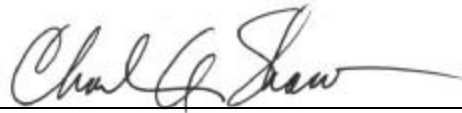
E.D. Mo. L.R. 3.04(A) (emphasis added).

Defendant's motion is accompanied by e-mails concerning the scheduling of Dr. Ojile's deposition. The local rule, however, requires a conference in person or by telephone, along with details concerning the conference, or a statement of the reasonable efforts made to confer in person or by telephone. The sending of correspondence or e-mails concerning discovery is insufficient to constitute a good faith attempt to resolve the dispute under the local rule.

As a result of defendant's failure to comply with Local Rule 3.04(A), the Court will not consider the instant motion and will deny the same without prejudice.

Accordingly,

**IT IS HEREBY ORDERED** that defendant Mine Safety Appliances Company's Emergency Motion to Quash Deposition of Dr. Joseph M. Ojile is **DENIED without prejudice**. [Doc. 43]

A handwritten signature in dark ink, appearing to read "Charles A. Shaw", is written over a horizontal line.

**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 5th day of April, 2010.